

REMARKS

Applicants respectfully request reconsideration of this application. No claims have been amended, cancelled, or added. Therefore, claims 1-4, 6-18, and 20-21 are presented for examination.

35 U.S.C. §102(b) Rejection

Hamaguchi et al.

Claims 1-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hamaguchi et al. (U.S. Patent No. 5,737,568), hereinafter Hamaguchi. Claim 5 has been cancelled by a previous amendment, and is no longer pending in the subject application.

Applicants respectfully submit that Hamaguchi does not anticipate claims 1-4 and claims 6-14 of the subject application. At the least, Hamaguchi does not disclose "receiving a request to read a modified cache line" as required by claim 1, for example. Each of the remaining currently pending independent claims recite limitations that are similar to these limitations of claim 1, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish the claims over Hamaguchi.

In the Final Office Action mailed 12/18/03 (hereinafter "Final Office Action"), the Examiner asserted that Hamaguchi teaches a requesting node at

processor 22 that tries to perform a read operation, and a responding node at processor 21.

In response thereto, Applicants submit that processor 21 does not "receive a request to read a modified cache line" as required by the claimed invention. Instead, in Hamaguchi, processor 21 "monitors the transaction" on the bus (Hamaguchi, column 5, lines 4-8). Applicants submit that the difference between monitoring a transaction and "receiving a request to read a modified cache line" is significant, since monitoring a transaction requires "constant surveillance" by a processor. As discussed in the Specification at page 4, lines 4-5, this is one of the problems that Applicant's claimed invention seeks to solve. By "receiving a request", Applicant's claimed invention results in advantages not achieved by Hamaguchi.

Thus, since Hamaguchi does not disclose the claimed invention, it is respectfully submitted that the Examiner's rejection of claims 1-4, and 6-14 under 35 U.S.C. §102(a) as being anticipated by Hamaguchi should be withdrawn.

35 U.S.C. §103(a) Rejection

Hamaguchi et al. in view of Flynn, et al.

Claims 9-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamaguchi, et al. (U.S. Patent No. 5,737,568) in view of Flynn, et al. (U.S. Patent No. 5,222,224) hereinafter Flynn.

Applicants recognize that it is not necessary in a §103 rejection that a reference or references explicitly suggest the claimed invention. However, the Examiner cited Flynn for teaching a "shared memory multiprocessor system ... to include a switch as taught by Flynn" (Office Action mailed 6/4/2003), which the Examiner believes to be claimed in claims 9-11. Assuming this is true, which should not be construed as an admission of the validity of the Examiner's assertion, Flynn still does not disclose, teach, or suggest each and every element of claim 8, since claims 9-11 depend, directly or indirectly, from claim 8, and therefore inherit the elements and limitations of claim 8. Specifically, Flynn does not disclose, teach, or suggest what Hamaguchi fails to disclose. Therefore, the combination of Hamaguchi and Flynn, even if Flynn does suggest the elements indicated by the Examiner, does not produce the Applicant's invention as cited in claims 9-11.

Thus, since neither Hamaguchi, nor Flynn, nor their combination, teaches or suggests the claimed invention, it is respectfully submitted that the Examiner has failed to establish *prima facie* that claims 9-11 are obvious over Hamaguchi in view of Flynn. Thus, it is respectfully submitted that the Examiner's rejection of these claims under 35 U.S.C. §103(a) as obvious in view of Hamaguchi and Flynn should be withdrawn.

Hamaguchi et al.

Claims 15-18, and 20-21 have been rejected under 35 U.S.C. §103(a) as

being unpatentable over Hamaguchi. Claim 19 has been cancelled by a previous amendment, and is no longer pending in the subject application.

Since Hamaguchi does not teach "receiving a request to read a cache line" as required by claims 15-18 and 20-21 (see discussion above), it cannot be obvious to "put Hamaguchi's program on a computer readable medium" to produce the Applicant's claimed invention. Again, although Applicants recognize that the suggestion of a claimed invention need not be explicit in a §103(a) rejection, Applicants also submit that there must be some basis for a modification and/or a combination of references.

Thus, since Hamaguchi does not teach or suggest the claimed invention, it is respectfully submitted that the Examiner's rejection of claims 15-18, and 20-21 under 35 U.S.C. §103(a) as being obvious in view of Hamaguchi should be withdrawn.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance. Therefore, allowance at an early date is earnestly solicited.

The Examiner is invited to initiate an interview with the undersigned by calling 949-498-0601 if the Examiner believes that such an interview will advance prosecution of this application.

Request for an Extension of Time

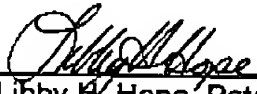
Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 50-0221 to cover any necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 50-0221.

Respectfully submitted,

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